

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

STRIKE 3 HOLDINGS, LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 1:21-cv-03316
)	
JOHN DOE subscriber assigned IP address)	Judge: Sara L. Ellis
24.13.69.252,)	Magistrate Judge: Sunil R. Harjani
)	
Defendant.)	
)	

**MOTION FOR LEAVE TO SERVE A THIRD PARTY
SUBPOENA PRIOR TO A RULE 26(f) CONFERENCE**

Pursuant to Fed. R. Civ. P. 26(d)(1), Plaintiff, Strike 3 Holdings, LLC (“Plaintiff”), moves for entry of an order granting it leave to serve a Third Party Subpoena on Comcast Cable prior to the Rule 26(f) conference. In support of its motion, Plaintiff states as follows:

1. Plaintiff has filed this action against John Doe for copyright infringement. The subscriber to IP address 24.13.69.252 has been identified as having downloaded and/or distributed Plaintiff’s copyrighted materials without permission. However, Plaintiff does not know the name and address of the subscriber and Plaintiff has no other means to acquire that information other than through a subpoena.

2. As set forth in the attached Memorandum of Points and Authorities and the Declarations appended thereto, Plaintiff has established good cause for granting Plaintiff the relief sought, including: (1) a *prima facie* claim of infringement by the subscriber; (2) the proposed subpoena is specific and limited to the name and address of the subscriber; (3) Plaintiff has no other mechanism to obtain the information other than through a third party subpoena; (4) the reasonable likelihood that the subpoena will lead to information sufficient to identify the Doe

Defendant and allow Plaintiff to effectuate service; and (5) the Doe Defendant has already shared his identity with the ISP and has no expectation of privacy. *See First Time Videos, LLC v. Does*, 1-500, 276 F.R.D. 241, 248–49 (N.D. Ill. 2011).

3. Because there is no other means to obtain the subscriber’s identity, the information is necessary to allow Plaintiff to advance its copyright infringement claim, and the information is limited and specific, Plaintiff requests that this Court enter an order granting Plaintiff leave to serve a third party subpoena on Comcast Cable prior to the Rule 26(f) conference.

WHEREFORE, Plaintiff, Strike 3 Holdings, LLC, respectfully requests that this Court enter an order granting Plaintiff’s motion.

Dated: 06/30/2021

Respectfully submitted,

CLARK HILL PLC

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